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FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

ADDEL VEVEROS MONTERO,

Defendant.

No. CR 11-00557-001 RMW

**STIPULATION AND []  
ORDER REGARDING SENTENCE  
REDUCTION UNDER U.S.S.G. § 1B1.1(b)  
AND AMENDMENT 782**

**IT IS HEREBY STIPULATED AND AGREED**, by and between the parties acting  
through their respective counsel, that:

1. Defendant is making an unopposed motion for modification of his sentence pursuant to 18 U.S.C. § 3582(c)(2).
2. Defendant's original guideline calculation was as follows:  
Total Offense Level: 29  
Criminal History Category: I  
Guideline Range: 87 to 108 months

1 Mandatory Minimum: 60 months

2 3. Defendant was sentenced to 72 months imprisonment on October 1, 2012.

3 4. According to the Bureau of Prisons, Defendant's current projected release date is January  
4 1, 2017.

5 5. Effective November 1, 2014, this Court may order a modification in defendant's sentence  
6 pursuant to 18 U.S.C. § 3582(c), USSG § 1B1.10(b)(1), and Amendment 782, to the  
7 United States Sentencing Guidelines Manual.

8 6. Defendant's revised guideline calculation is as follows:

9  
10 Total Offense Level: 27

11 Criminal History Category: I

12 Guideline Range: 70 to 87 months

13 Mandatory Minimum: 60 months

14 7. The parties have no reason to dispute the Sentence Reduction Investigation Report  
15 submitted to the Court by the Probation Office.

16 8. Based upon the foregoing, the parties hereby stipulate that the Court may enter an order  
17 reducing Defendant's term of custody to 70 months, effective November 1, 2015.

18 9. The parties further stipulate that all other aspects of the original judgment order including  
19 the length of term of supervised release, all conditions of supervision, fines, restitution,  
20 and special assessment remain as previously imposed.

21 10. Defendant stipulates that he waives and does not request a hearing in this matter pursuant  
22 to Fed. R. Crim. P. 43, 18 U.S.C. § 3582(c)(2), and *United States v. Booker*, 543 U.S. 220  
23 (2005).

24 11. Defendant waives his right to appeal the district court's sentence.  
25  
26  
27  
28

12. Accordingly, the parties agree that an amended judgment in accordance with this stipulation may be entered by the Court in pursuant to 18 U.S.C. § 3582(c) and USSG § 1B1.10(b)(1), Amendment 782 of the Sentencing Guidelines Manual. A Sentencing Reduction Investigation Report and a proposed amended judgment will be submitted to the Court.

IT IS SO STIPULATED.

February 3, 2015

/s/

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DATED

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MELINDA L. HAAG  
United States Attorney  
J. DOUGLAS WILSON  
Assistant United States Attorney  
Northern District of California

February 3, 2015

/s/

\_\_\_\_\_  
DATED

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STEVEN G. KALAR  
Federal Public Defender  
GABRIELA BISCHOF  
Assistant Federal Public Defender  
Northern District of California

IT IS SO ORDERED.

~~HE~~ ~~FI~~

\_\_\_\_\_  
DATED

  
\_\_\_\_\_  
RONALD M. WHYTE  
United States District Judge